

Message Text

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C O N F I D E N T I A L SECTION 1 OF 2 LIMA 4544

FOR ARA/AND/P - FULLER

E. O. 11652: GDS
TAGS: SHUM, PE
SUBJECT: HUMAN RIGHTS: COUNTRY ACTION PLAN

REF: FULLER LETTER MAY 20, STATE 124544

SUMMARY: THIS CABLE TRANSMITS EMBASSY DRAFT OF A HUMAN RIGHTS
COUNTRY ACTION PLAN FOR PERU. END SUMMARY.

1. CONDITION OF HUMAN RIGHTS IN PERU:

A. RESPECT FOR INTEGRITY OF THE PERSON INCLUDING FREEDOM FROM
TORTURE, CRUEL, INHUMAN OR DEGRADING PUNISHMENT, ARBITRARY ARREST
OR IMPRISONMENT, DENIAL OF FAIR PUBLIC TRIAL AND INVASION OF HOME.
--THE 1933 PERUVIAN CONSTITUTION, VALID EXCEPT WHERE SUSPENDED
BY THE REVOLUTIONARY STATUTE OF 1968, GUARANTEES RIGHTS OF LIFE,
LIBERTY AND SECURITY. HOWEVER, CERTAIN INDIVIDUAL GARANTEES--

HABEUS CORPUS, INVIOABILITY OF THE HOME, RIGHT TO PUBLIC ASSEMBLY,
FREEDOM OF TRAVEL AND FREEDOM FROM DEPORTATION--HAVE BEEN SUS-
PENDED SINCE JULY 1976, FOLLOWING PUBLIC DISTURBANCES. UNDER THE
SUSPENSION OF GUARANTEES AND CONCOMITANT STATE OF EMERGENCY,
THE GOVERNMENT HAS DETAINED AND SOMETIMES DEPORTED THOSE WHOSE
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ACTIVITIES IT PERCEIVES TO BE A THREAT TO INTERNAL SECURITY.
THE GOVERNMENT HAS USED ITS EMERGENCY POWERS PRIMARILY AGAINST
LABOR LEADERS ENGAGED IN OR FOMENTING STRIKE ACTIVITY (STRIZS
ARE ILLEGAL UNDER THE STATE OF EMERGENCY) AND AGAINST RADICAL
LEFTISTS. THE GOVERNMENT MAINTAINS THAT IT PERSECUTES NO ONE
FOR HIS IDEAS AND RESPECTS HUMAN RIGHTS AS FULLY AS POSSIBLE
WITHIN THE CONTEXT OF INTERNAL SECURITY CONSIDERATIONS. THERE

HAVE BEEN VERY FEW ALLEGATIONS OF TORTURE, AND INDIVIDUALS DETAINED ARE GENERALLY RELEASED FOLLOWING INTERROGRATION OR A PERIOD OF "PREVENTIVE DETENTION". BEYOND HUMAN RIGHTS PROBLEMS ARISING FROM THE SUSPENSION OF GUARANTEES, THE ANTIQUATED PERUVIAN LEGAL SYSTEM, ESSENTIALLY BASED ON NAPOLEONIC CODE, SOMETIMES RESULTS IN PRACTICES (DELAYS IN LEGAL PROCEDURES ABOVE ALL) WHICH IN THE U.S. WOULD BE CLASSIFIED AS HUMAN RIGHTS VIOLATIONS. IN SUM, GOP RESPECT FOR INDIVIDUAL HUMAN RIGHTS, WHILE NOT EXEMPLARY, IS CHARACTERIZED BY AN AWARENESS THAT THE PURSUIT OF SECURITY MUST BE LIMITED BY HUMAN RIGHTS CONSIDERATIONS. DETENSIONS OF LABOR LEADERS/ADVISORS AND RADICAL LEFTISTS IN THE SECOND HALF OF 1976 WERE RELATIVELY FREQUENT. IN EARLY 1977 THE GOVERNMENT ACTED TO BREAK UP INCIPIENT TERRORIST ORGANIZATIONS AND TO DISRUPT EFFORTS OF A NEW MARXIST POLITICAL GROUP WITH TIES TO MILITARY OFFICERS. SINCE THEN VIOLATIONS HAVE OCCURRED ONLY IN RARE INSTANCES.

B. RESPECT FOR CIVIL AND POLITICAL LIBERTIES.

-- FREEDOM OF THOUGHT AND RELIGION ARE FULLY RESPECTED AND INDIVIDUALS ARE NOT PERSECUTED FOR THEIR VIEWS. THERE ARE LIMITATIONS ON PRESS FREEDOMS. THE NATIONAL CIRCULATION NEWSPAPERS HAVE BEEN UNDER DIRECT GOP EDITORIAL CONTROL SINCE 1974 AND INDEPENDENT PERIODICALS OPERATE WITH SOME RESTRAINTS. TWO PERIODICALS (ONE FAR-LEFT AND ONE CONSERVATIVE) REMAIN CLOSED FOR POLITICAL REASONS. FREEDOM OF MOVEMENT IS RESPECTED ALTHOUGH THE SUSPENSION OF CONSTITUTIONAL GUARANTEES TECHNICALLY LIMITS IT. IN EARLY 1977 THE GOP ISSUED A COMPREHENSIVE POLITICAL PLAN COMMITTING THE REGIME TO RELECTIONS AND A RETURN TO CIVILIAN RULE
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BY 1980. A DIALOGUE WITH POLITICAL PARTIES CONCERNING MODALITIES OF THE TRANSITION PROCESS IS NOW UNDERWAY. CIVILIAN GROUPS CONSIDER THE DIALOGUE ITSELF TO BE HOPEFUL AND TO CONSTITUTE THE FIRST STAGE OF THEIR PARTICIPATION IN THE POLITICAL PROCESS. THE GOVERNMENT IS ALSO ENGAGED IN ONGOING CONVERSATIONS WITH THE TRADE UNIONS AND OTHER ORGANIZED GROUPS. THE MILITARY GOVERNMENT STILL DISPOSES, BUT INDEPENDENT POLITICAL, BUSINESS AND LABOR GROUPS CAN NOW PROPOSE. BEYOND THE TRADITIONAL PARTICIPANTS IN THE PROCESS, SOCIAL ORGANIZATIONS INCLUDING PEASANTS AND LABOR COMMUNITIES CREATED BY THE MILITARY GOVERNMENT HAVE ACHIEVED SOME INDPENDENCE AND BECOME PRESSURE GROUPS.

C. ECONOMIC RIGHTS AND TRENDS IN GOVERNMENT POLICIES RELATING TO FULFILLMENT OF BASIC NEEDS.

-- A MAJOR GOAL OF THE PERUVIAN REVOLUTION HAS BEEN TO TRANSFORM THE ECONOMIC AND SOCIAL SYSTEM THROUGH AGRARIAN AND INDUSTRIAL REFORMS IN ORDER TO IMPROVE THE STATUS OF THE POOR MAJORITY AND TO ENABLE THESE PEOPLE TO PARTICIPATE IN AN ILL-DEFINED SOCIAL

DEMOCRACY. POLICIES ON HEALTH CARE AND EDUCATION HAVE ALSO BEEN GEARED TO EXTENDING SERVICES TO THE MASSES. GOVERNMENT POLICIES HAVE NOT ALWAYS HAD THE INTENDED EFFECT BUT THEIR INTENT WAS CLEAR. PERU IS NOW IN A SEVERE ECONOMIC CRISIS WHICH HAS FORCED THE GOVERNMENT TO DICTATE POLICIES WHICH IN EFFECT REDUCE WAGES AND INCREASE UNEMPLOYMENT. A REDUCTION IN SUBSIDIES ON BASIC COMMODITIES HAS ADVERSELY AFFECTED THE POOR. LIVING CONDITIONS ARE UNLIKELY TO IMPROVE UNTIL THERE HAS BEEN A SIGNIFICANT ECONOMIC UPTURN. POTENTIAL GOVERNMENT RESOURCES WHICH MIGHT BE DIRECTED AT IMPROVING THE LOT OF THE POOR ARE DIMINISHED BY LARGE SCALE ARMS PURCHASES AND MILITARY EXPENDITURES OSTENSIBLY FOR NATIONAL SECURITY REASONS. THE ECONOMIC CRISIS HAS NOT SIGNIFICANTLY CURTAILED THESE PURCHASES. IN ADDITION, POTENTIAL RESOURCES ARE DIMINISHED BY CORRUPTION WHICH IS SYSTEMIC IN PERU BUT INCREASING IN MAGNITUDE IN THE LATTER YEARS OF THIS GOVERNMENT.

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D. GOVERNMENT RESPONSIBILITY FOR AND JUSTIFICATION OF ITS HUMAN RIGHTS RECORD:

-- THE PERUVIAN GOVERNMENT CONSIDERS THE PRESERVATION OF PUBLIC ORDER TO BE ITS FIRST RESPONSIBILITY. IT THEREFORE PERMITS AND CONDONES SOME HUMAN RIGHTS VIOLATIONS (SUCH AS EXPELLING CITIZENS FROM THE COUNTRY) FOR SECURITY REASONS. IT DOES NOT CONDONE TORTURE OR FREQUENT HUMAN RIGHTS VIOLATIONS UNCONNECTED WITH SPECIFIC SECURITY MEASURES. THE INTERIOR MINISTER HAS PLEDGED TO INVESTIGATE THOROUGHLY EVERY CASE OF ALLEGED TORTURE OR MISTREATMENT AND TO SEE THAT THE GUILTY PARTIES ARE PUNISHED. THE GOVERNMENT PUBLICLY SUPPORTS THE U.S. COMMITMENT TO IMPROVE RESPECT FOR HUMAN RIGHTS AND IT ADHERES TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, AT THE SAME TIME CONTENDING THAT FULL AND REFINED APPLICATION OF HUMAN RIGHTS STANDARDS IS MORE DIFFICULT IN THE DEVELOPING WORLD THAN IN ADVANCE WESTERN COUNTRIES. FURTHERMORE, THE GOP VIEWS INDIVIDUAL, POLITICAL AND ECONOMIC RIGHTS AS INSEPARABLE, WITH ECONOMIC AND SOCIAL RIGHTS IN SOME WAYS A PREREQUISITE FOR MEANINGFUL ENJOYMENT OF INDIVIDUAL RIGHTS AND FOR THE DEVELOPMENT OF POLITICAL RIGHTS. PERU GENUINELY BELIEVES THAT INTERNATIONAL RESPECT FOR HUMAN RIGHTS DEMANDS FROM THE U.S. AND THE FULLY INDUSTRIALIZED COUNTRIES A FAR GREATER COMMITMENT TO IMPROVING ECONOMIC CONDITIONS IN THE DEVELOPING NATIONS.

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C O N F I D E N T I A L SECTION 2 OF 2 LIMA 4544

E. INVESTIGATION OF ALLEGED VIOLATIONS:

--THE GOP SUPPORTS BOTH THE UN AND THE INTER-AMERICAN HUMAN RIGHTS COMMISSIONS. IN SPITE OF SOME HUMAN RIGHTS VIOLATIONS WHICH COME FROM THE GOVERNMENT'S PURSUIT OF SECURITY CONSIDERATIONS OR THE PREVENTION OF ECONOMICALLY DAMAGING STRIKES, PERU DOES NOT CONSIDER ITSELF NOR IS IT VIEWED INTERNATIONALLY AS A HUMAN RIGHTS PROBLEM COUNTRY. IT WOULD THEREFORE NOT EXPECT BUT MIGHT NOT REJECT INDEPENDENT OUTSIDE INVESTIGATION OF ALLEGED VIOLATIONS. IT RECEIVES AND ATTEMPTS TO RESPOND TO ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS COMING FROM AMNESTY INTERNATIONAL AND OTHER HUMAN RIGHTS ORGANIZATIONS. IT HAS BEEN COOPERATIVE WITH THE EMBASSY AND HAS RESPONDED TO OUR INQUIRIES, MADE ON THE BASIS OF DEPARTMENT INSTRUCTIONS OR AMNESTY INTERNATIONAL REQUESTS. THE GOVERNMENT RECOGNIZES THE VALUE OF ITS RELATIVELY POSITIVE HUMAN RIGHTS IMAGE (APPRECIATING THE CONTRAST WITH THE NEGATIVE IMAGE OF ITS RIVAL CHILE) AND WORKS TO MAINTAIN IT.

2. ANALYSIS AND RECOMMENDATIONS

A. OBJECTIVES:

--OVER THE NEXT 3 TO 6 MONTHS A FEASIBLE HUMAN RIGHTS OBJECTIVE IS THE RESTORATION OF SUSPENDED CONSTITUTIONAL GUARANTEES. WITHIN 12 MONTHS SIGNIFICANT PROGRESS TOWARD THE RESTORATION OF DEMOCRATIC CIVILIAN RULE CONSTITUTES A LEGITIMATE OBJECTIVE. THESE OBJECTIVES ARE LIKELY TO RECEIVE WIDE INTERNATIONAL SUPPORT. U.S. AND INTERNATIONAL LEVERAGE TOWARD ENSURING THEIR ACCOMPLISH-
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MENTS IS VERY LIMITED. THE U.S. CAN ENCOURAGE THE TREND THROUGH QUIET KIPLOMACY, EXCHANGE PROGRAMS AND THE LIKE BUT EFFORTS TO USE IFI LOANS, SECURITY ASSISTANCE OR OTHER MEANS TO FORCE COMPLIANCE WITH U.S. STANDARDS WOULD BE COUNTER-PRODUCTIVE. THE GOP HAS ALREADY LIFTED A CURFEW WHICH WAS IN EFFECT FOR MANY MONTHS, AND WITHIN THE NEXT FEW MONTHS IT MAY FIND IT POLITICALLY OPPORTUNE TO LIFT THE STATE OF EMERGENCY AND RESTORE CONSTITU-

TIONAL GUARANTEES. WITHIN 12 MONTHS THE TRANSITION TOWARDS CIVILIAN RULE SHOULD BE PROGRESSING. MUNICIPAL ELECTIONS AND POSSIBLE ELECTIONS TO A CONSTITUENT ASSEMBLY MIGHT WELL BE SCHEDULED OR COMPLETED. THESE OBJECTIVES ARE IMPORTANT FOR INTERNAL REASONS, INCLUDING POLITICAL STABILITY AND SECURITY AND ONLY TANGENTIALLY RELATED TO U.S. POLICIES. OUR PRIMARY OBJECTIVE SHOULD REMAIN THE CONTINUED SENSITIZING OF PERUVIAN OFFICIALS TO HUMAN RIGHTS CONCERNS AND THE ENCOURAGEMENT OF POSITIVE TRENDS.

B. REACTION TO U.S. HUMAN RIGHTS APPROACHES.

--THE GOP SUPPORTS U.S. HUMAN RIGHTS POLICIES BUT CONTENTS THAT CONDITIONS IN LATIN AMERICA ARE SUCH THAT FULL PROMOTION OF HUMAN RIGHTS IN ALL THEIR RAMIFICATIONS CANNOT BE EXPECTED. FURTHERMORE IT RELATES ECONOMIC RIGHTS OF STATES AND PEOPLES TO HUMAN RIGHTS AND CONSIDERS THOSE RIGHTS TO BE A NECESSARY PRE-REQUISITE TO FULL ENJOYMENT OF INDIVIDUAL HUMAN RIGHTS. CHURCH AND OPPOSITION LEADERS EXPRESS FULL SUPPORT FOR US. POLICIES BUT THEY TOO VIEW ECONOMIC RIGHTS AS ESSENTIAL. MANY OF THEM AGREE THAT THE GOVERNMENT MUST ENSURE POLITICAL STABILITY EVEN AT THE COST OF LIMITED HUMAN RIGHTS VIOLATIONS. SOME PROMINENT INTELLECTUALS GO BEYOND THAT VIEW AND CALL FOR NOTHING LESS THAN FULL COMPLIANCE WITH ALL PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. THE GOVERNMENT HAS NOT REACTED NEGATIVELY TO EMBASSY HUMAN RIGHTS APPROACHES EITHER AS THEY RELATE TO AMERICAN CITIZENS OR TO PERUVIANS. IT HAS BEEN FORTHCOMING IN AMERICAN CITIZEN CASES AND HAS PROVIDED INFORMATION REGARDING PERUVIAN NATIONALS. THE PERUVIAN GOVERNMENT BELIEVES THAT LOCAL FACTORS SHOULD BE TAKEN INTO ACCOUNT WHEN CONSIDERING HUMAN RIGHTS POLICIES AND THAT BEST RESULTS WILL BE OBTAINED THROUGH MULTILATERAL POSITIVE ENCOURAGEMENT OF RESPECT FOR HUMAN

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RIGHTS. THE GOP BELIEVES THAT U.S. INSISTENCE ON ITS OWN STANDARDS AND

USE OF SANCTIONS IN AN EFFORT TO FORCE COMPLIANCE WOULD BE COUNTER-PRODUCTIVE AND WOULD CONSTITUTE INTERVENTION.

C. POSSIBLE CHANGES IN HUMAN RIGHTS CONDITIONS.

--WITH THE OPENING TOWARD DEMOCRACY AND THE GOVERNMENT'S DESIRE FOR A POSITIVE HUMAN RIGHTS IMAGE, IMPROVEMENTS IN HUMAN RIGHTS CONDITIONS ARE LIKELY. HOWEVER, THE POSITIVE TREND WILL DEPEND TO SOME EXTENT ON ECONOMIC AND LABOR DEVELOPMENTS WHICH, IF ADVERSE, COULD CREATE POLITICAL AND SECURITY PROBLEMS.

D. SUPPORT FOR U.S. EFFORTS.

-- PERU'S HUMAN RIGHTS RECORD IS COMPARATIVELY ENCOURAGING. THE GOVERNMENT CAN BE EXPECTED TO SUPPORT U.S. EFFORTS TO PROMOTE HUMAN RIGHTS THROUGH GOVERNMENT MULTILATERAL ORGANIZATIONS. ITS SUPPORT FOR NON-GOVERNMENTAL GROUPS LIKELY AMNESTY INTERNATIONAL IS FAR LESS LIKELY. WHILE UPHOLDING U.S. HUMAN RIGHTS EFFORTS IN GENERAL, PERU WILL NOT UNDERMINE ITS RELATIONS WITH OTHER LATIN AMERICAN NATIONS FOR HUMAN RIGHTS REASONS. IT WOULD NOT

SUPPORT SANCTIONS AGAINST ITS NEIGHBORS, EVEN ITS ERSTWHILE
RIVAL CHILE. PERU VIEWS SANCTIONS AS A VIOLATIONS OF SOVEREIGNTY.
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